



**South Florida Water Management District
Regulatory Peer Review Forum
July 10, 2009
9 a.m. – 11:00 a.m.
SUMMARY**

Attendees:

Ed Weinberg	EW Consultants
Jay Foy	Stormwater J Engineering
Gerry Ward	Consulting Engineer
Irene Kennedy Quincey	Pavese Law Firm
Todd McLeod	Civil Design
Bonnie McLeod	Matthews Consulting
Howard Searcy	AECOM
Craig Kidwell	HAS Engineers
Ken Todd	Palm Beach County
Dan Clark	CCS, LLC
Damon Meiers	SFWMD – Environmental Resource Regulation Staff
Laurie Donovan	SFWMD – Environmental Resource Regulation Staff
Anita Bain	SFWMD – Environmental Resource Regulation Staff
Steve Sarley	SFWMD – Environmental Resource Regulation Staff

1. Opening Remarks – Damon Meiers

Mr. Meiers opened the meeting at about 9:05 a.m.

2. Senate Bill 2080

Anita Bain discussed the new procedures for Water Use (WU) and Environmental Resource (ERP) permit approvals.

- ❖ All Individual WU and ERP approvals will be through the District Executive Director
- ❖ There will be a weekly meeting between Environmental Resource Regulation Department Director and the Executive Director to discuss permits and their issuance.
- ❖ There will be a listing of heightened public interest (heightened public concern) projects that will be discussed at public meetings held monthly with Carol Wehle.

- ❖ District management will determine which projects have heightened public concern.

General discussion points included:

- ❖ Certain projects are easily identified as having heightened public concern.
- ❖ When the District Executive Director is not available, a delegation procedure will be in effect.
- ❖ All permit denials will go before the Governing Board.

3. Statewide Stormwater Rule Update

Damon Meiers discussed the status of the Statewide Stormwater Rule. High points of his presentation included:

- ❖ A draft version of the new handbook will be available soon on the DEP website.
- ❖ TAC meetings will be held in Orlando on July 29th and 30th; August 18th and 19th; and September 22nd and 23rd.
- ❖ Workshops will be held after the TAC meetings.
- ❖ There will be an 85% removal rate requirement for phosphorus. Nitrogen removal rate will be based on pre vs. post development analysis.
- ❖ The final rule may be adopted by July 2010.

Discussion points included:

- ❖ Groundwater is subject to nutrient pollution from retention areas in highly permeable soils. These soils may require soil amendments.
- ❖ Gerry Ward suggested that the rulemaking effort may move forward better if it is adopted in phases rather than all at once.

4. Numeric Nutrient Rule

Damon Meiers discussed the status of the numeric Nutrient Rule. High points of that discussion included:

- ❖ The DEP has an agreement with the EPA to adopt a numeric nutrient rule (for total phosphorus and total nitrogen) for freshwater by January 2010, and for estuaries by January 2011.

- ❖ Numeric nutrient criteria are available on the DEP website. A copy of an e-mail from DEP with the website was distributed (see attached).
- ❖ There are various criteria for clear and colored lakes based on chlorophyll-a. Criteria for streams is based on geographic region. There is no draft criterion for south Florida yet.
- ❖ TMDLs will take precedence over numeric nutrient criteria.
- ❖ Permitting for new development will be affected, but it is not clear how yet. Existing development effects are not clear.

Discussion points included:

- ❖ Steam indexes used in north and central Florida do not work in south Florida canals.
- ❖ Whether enforcement will be handled by DEP or the EPA is not clear.
- ❖ The EPA will likely have more stringent standards than DEP.

5. Next meeting date/other/topics/adjournment

Next meeting: Friday, September 4, 2009.

Future meeting topics: Water Use permitting of historic harm to wetlands

Meeting was adjourned at 10:30 a.m.

Sent: Friday, June 26, 2009 5:08 PM
To: Shaw, Eric
Subject: Numeric Nutrient Criteria Update

Greetings,

The Department continues to work on revisions to the proposed numeric nutrient criteria. We sincerely appreciate the public comments and suggestions that we have received so far. During the public workshop on June 17 in Tallahassee, we stated that we would make available our Technical Support Document (TSD) and its appendices. We are pleased to inform you that the TSD is available for download at the nutrient criteria website at:

<http://www.dep.state.fl.us/water/wqssp/nutrients/index.htm> .

The TSD appendices are available for separate download at the following FTP site:

ftp.dep.state.fl.us/pub/labs/assessment/nutrient/TSD_appendices

The appendices include biological data, benchmark thresholds, statistical analyses, site descriptions, and other similar information. The index file, located at the above FTP site, provides more detail as to what is in each appendix. Please let me know if you have any problems accessing the appendices or the TSD.

Also, please note that the PowerPoint presentations from the public workshop have been posted to the nutrient criteria website above. We will keep you informed of any new changes in the development of numeric nutrient criteria in Florida and appreciate your involvement in this effort. Thank you.

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